

AMENDED IN SENATE MAY 20, 1997

AMENDED IN SENATE MAY 1, 1997

SENATE BILL

No. 675

Introduced by Senator Costa

February 25, 1997

~~An act to amend and repeal Section 41705 of the Health and Safety Code, relating to air pollution, and declaring the~~ *An act to amend, repeal, and add Section 41705 of the Health and Safety Code, and to amend and repeal Section 43209.1 of the Public Resources Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 675, as amended, Costa. Air pollution: odors.

Existing law prohibits the discharge of any air contaminant or other material that causes injury, detriment, nuisance, or annoyance to, or that endangers, a considerable number of persons or the public. Existing law exempts from that prohibition, until October 16, 1997, odors emanating directly from a facility or operations that produce, manufacture, or handle compost, as defined.

This bill would extend that exemption ~~indefinitely~~ *for a specified 4-year period* and require the California Integrated Waste Management Board, ~~not later than~~ *on or before* April 1, 1998, to convene a working group, as prescribed, to assist in the implementation of the exemption.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 41705 of the Health and Safety
2 Code, as amended by Section 2.1 of Chapter 952 of the
3 Statutes of 1995, is amended to read:

4 41705. (a) Section 41700 shall not apply to odors
5 emanating from either of the following:

6 (1) Agricultural operations necessary for the growing
7 of crops or the raising of fowl or animals.

8 (2) ~~(A)~~ Operations that produce, manufacture, or
9 handle compost, as defined in Section 40116 of the Public
10 Resources Code, provided that the odors emanate
11 directly from the compost facility or operations.

12 ~~(B) The California Integrated Waste Management~~
13 ~~Board shall convene, commencing not later than April 1,~~
14 ~~1998, a working group of enforcement agencies and~~
15 ~~districts to assist in the implementation of this paragraph.~~
16 ~~The board, in consultation with the working group, shall~~
17 ~~initiate integrated training activities, regional workshops,~~
18 ~~and local advisory guidance documents to ensure that this~~
19 ~~paragraph is properly implemented by the enforcement~~
20 ~~agencies.~~

21 (b) If a district receives a complaint pertaining to an
22 odor emanating from a compost operation exempt from
23 Section 41700 pursuant to paragraph (2) of subdivision
24 (a), that is subject to the jurisdiction of an enforcement
25 agency under Division 30 (commencing with Section
26 40000) of the Public Resources Code, the district shall, as
27 soon as is feasible, refer the complaint to the enforcement
28 agency.

29 ~~SEC. 2. Section 41705 of the Health and Safety Code,~~
30 ~~as added by Section 2.2 of Chapter 952 of the Statutes of~~
31 ~~1995, is repealed.~~

32 ~~SEC. 3.~~

33 (c) *This section shall become inoperative on the date*
34 *that is four years from the effective date of this section,*
35 *as amended by the act adding this subdivision, and, as of*

1 *January 1, 2002, is repealed, unless a later enacted statute,*
2 *that becomes operative on or before that date, deletes or*
3 *extends the dates on which it is inoperative and is*
4 *repealed.*

5 *SEC. 2. Section 41705 is added to the Health and*
6 *Safety Code, to read:*

7 *41705. (a) Section 41700 does not apply to odors*
8 *emanating from agricultural operations that are*
9 *necessary for the growing of crops or the raising of fowl*
10 *or animals.*

11 *(b) This section shall become operative on the date*
12 *that is four years from the effective date of the act adding*
13 *this section, unless a later enacted statute, that becomes*
14 *operative on or before that operative date, deletes or*
15 *delays that operative date.*

16 *SEC. 3. Section 43209.1 of the Public Resources Code*
17 *is amended to read:*

18 *43209.1. (a) Notwithstanding any other provision of*
19 *law, if an enforcement agency receives a complaint,*
20 *pursuant to subdivision (b) of Section 41705 of the Health*
21 *and Safety Code, from an air pollution control district or*
22 *an air quality management district pertaining to an odor*
23 *emanating from a compost facility under its jurisdiction,*
24 *the enforcement agency shall, in consultation with the*
25 *district, take appropriate enforcement actions pursuant*
26 *to this part. The enforcement agency shall, within 10 days*
27 *from the date of receipt of the complaint, notify the*
28 *district of any enforcement actions that have been taken*
29 *or will be taken to control the emanation of the odor.*

30 *(b) On or before April 1, 1998, the board shall convene*
31 *a working group consisting of enforcement agencies and*
32 *air pollution control districts and air quality management*
33 *districts to assist in the implementation of this section and*
34 *Section 41705 of the Health and Safety Code. The board*
35 *and the working group shall take those actions necessary*
36 *to ensure that enforcement agencies respond in a timely*
37 *fashion to complaints of odors emanating from*
38 *composting facilities.*

39 *(c) This section shall become inoperative on the date*
40 *that is ~~two~~ four years from the effective date of ~~this~~*

1 ~~section~~ of the act adding subdivision (b), and, as of
2 January 1, ~~1998~~ 2002, is repealed, unless a later enacted
3 statute, that becomes operative on or before that date,
4 deletes or extends the dates on which it becomes
5 inoperative and is repealed.

6 SEC. 4. This act is an urgency statute necessary for the
7 immediate preservation of the public peace, health, or
8 safety within the meaning of Article IV of the
9 Constitution and shall go into immediate effect. The facts
10 constituting the necessity are:

11 In order to maintain continuity in achieving the
12 purposes of the California Integrated Waste
13 Management Act of 1989, it is necessary that this act take
14 effect immediately.

